

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DAVID FORD

V.

**MAURICE COOK, BASTROP COUNTY
SHERIFF**

§
§
§
§
§
§

A-18-CV-559 LY

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE LEE YEAKEL
UNITED STATES DISTRICT JUDGE

Before the Court is Petitioner David Ford's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. (Dkt. No. 1). The District Court referred the above-case to the undersigned Magistrate Judge for a determination pursuant to 28 U.S.C. §636(b) and Rule 1(c) of Appendix C of the Local Court Rules.

I. ANALYSIS

Because the Petitioner had neither paid the \$5.00 filing fee, nor had filed an application to proceed *in forma pauperis*, the undersigned ordered Petitioner on September 21, 2018, to either pay the filing fee or file an application to proceed *in forma pauperis* within 30 days of the date of the order. See Dkt. No. 4. The Court also warned Petitioner that "[f]ailure to comply with the Court's order may result in the dismissal of this case for want of prosecution." *Id.* Petitioner never responded to the Court's Order. Accordingly, this case should be dismissed for failure to prosecute.

II. RECOMMENDATION

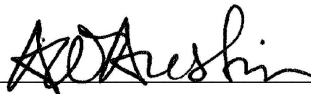
Based upon the foregoing, the undersigned **RECOMMENDS** that the District Court **DISMISS** David Ford's Petition for a Writ of Habeas Corpus (Dkt. No. 1) for failure to prosecute.

III. WARNINGS

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained in this Report within fourteen (14) days after the party is served with a copy of the Report shall bar that party from *de novo* review by the District Court of the proposed findings and recommendations in the Report and, except upon grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53, (1985); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED this 3rd day of June, 2019.

A handwritten signature in black ink, appearing to read "A. Austin", is written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE